

State of Colorado



Bill Owens
Governor

Richard Djokic
Director

DPA

Department of Personnel
& Administration

State Personnel Board

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Meeting Minutes March 16, 2004

The State Personnel Board met in public session on Tuesday, March 16, 2004, at the Colorado Department of Transportation, 4201 East Arkansas Avenue, Second Floor Auditorium, Denver, Colorado 80222.

The meeting was called to order by Chair Joyce Lottner at approximately 9:00 a.m. In addition to Ms. Lottner, Board members Diedra Garcia, Elizabeth Salkind, and John Zakhem were present. Board member Linda Siderius arrived at about 9:20 a.m.

Richard Djokic, Board Director; First Assistant Attorney General Richard Forman, Board Counsel; and Jane Sprague, General Professional III, were present in person.

As a preliminary matter and a follow-up to the February 17, 2004 meeting, Ms. Lottner informed the Board that Mr. Djokic had submitted his time commitments in the form of a request to the Board Chairperson with an analysis that the pending cases in which he is involved do not present a conflict of interest.

Mr. Djokic announced that the regular Board matters would be handled first. Then, with regard to pending legislation, Wendell Pryor, Executive Director of the Colorado Civil Rights Division (CCRD), would address the Board regarding Senate Bill 04-131. In addition, Paul Farley, Deputy Executive Director of the Department of Personnel and Administration (DPA), would discuss House Bill 04-1373 (HB1373) and House Concurrent Resolution 04-1005 (HCR1005) with the Board, answering questions the members may have with regard to this legislation. Other persons present at the meeting were invited to sign in, indicating if they were planning to address the Board.

I. REQUESTS FOR RESIDENCY WAIVERS

A. March 1, 2004 Report on Residency Waivers

Mr. Djokic reported that there were no residency waiver requests to report on.

II. PENDING MATTERS - LEGISLATION

- A. House Bill 04-1373 - A Bill for an Act Concerning Modifications to the "State Personnel System Act"
- B. House Concurrent Resolution 04-1005 - Concerning Reform of the State Civil Service System
- C. Senate Bill 04-131 - A Bill for an Act Concerning Modifications to the Procedures for Handling an Employment Discrimination Complaint Filed by an Employee in the State Personnel System

Mr. Djokic began the discussion by stating that HCR1005 and HB1373 are to be introduced in the Senate next week, that Wendell Pryor would be discussing SB131, and that an initiative regarding civil service reform had been submitted on March 9, 2004, which is scheduled for review and comment on March 23, 2004. In a recent meeting, Personnel Director Jeff Wells advised Mr. Djokic that the proponents of the initiative were Troy Eid, former Personnel Director, and Ms. Garcia, and that the Governor wanted to introduce something "a little stronger" than the pending bills, in case the bills do not pass the Senate. According to Mr. Wells, the initiative models more closely the recommendations of the Commission on Civil Service Reform, including contracting and shifting rulemaking authority on disciplinary matters to the Personnel Director. Other differences can be found on page 3 (b), page 4 (10), page 5 (4), and page 6 (II). Copies of the initiative were provided to the Board members for their review.

The Board members directed questions about the proposed initiative to Ms. Garcia. Mr. Zakhem asked Ms. Garcia if the Senate approves HB1373 and HCR1005, would the initiative then not be pursued. Ms. Garcia stated that it would not be pursued and that the sponsors of the initiative so far were Troy Eid and herself. Ms. Salkind questioned Ms. Garcia as to whether there is a conflict of interest between her position on the Board and her sponsorship of the bill. Ms. Garcia stated that she did not perceive there to be a conflict of interest, but that it is her obligation to get involved. Ms. Lottner wanted to know what would happen if the Board took no position or disagreed with the initiative. Ms. Garcia said that she would like to hear the discussion and that the Board could take a position on the initiative. Ms. Siderius wanted to know in the event the Board voted not to support the initiative, if Ms. Garcia would continue to work on it. Ms. Garcia answered in the affirmative. Ms. Lottner followed that question by asking if Ms. Garcia sees a problem with being a proponent of the initiative, in the event the Board voted against the initiative. Ms. Garcia answered that she did not see a problem.

Following the discussion on the initiative, Mr. Farley addressed the Board to brief the members on HCR1005 and HB1373, especially those provisions that impact the Board directly or indirectly. He explained that he had appeared at the

November Board meeting, the Report of the Commission was issued, Mr. Eid left for the private sector, Mr. Wells became Personnel Director, and employee organizations were invited to engage in what became two and one-half months of negotiation, drafting, and editing of civil service reform legislation. Mr. Farley stated that he and Vonda Hall, General Counsel for the Colorado Association of Public Employees (CAPE), had done a great deal of the drafting and that one employee organization opposed the package. He also stated that there was a net improvement for state employees, as a result of a lot of give and take. Mr. Djokic reminded the members that they had discussed four areas, the substance of which was memorialized in his March 1, 2004 letter to the legislators: (1) in HCR1005, the shift of rulemaking authority from the Board to the Personnel Director; (2) in HB1373, Board authority to hire Administrative Law Judges; (3) in HB1373, grievances; and (4) in HB1373, the reversal/modification of appointing authority decisions, based on procedural errors.

Mr. Farley stated that the objective in (1) (the shift of rulemaking authority from the Board to the Personnel Director) was to confirm what the 30-year practice had been. Mr. Zakhem inquired as to residency waivers and if it is practical language for having residents as employees (HCR1005, p. 7 (6), ll. 15-20). Mr. Farley responded that there was a "ton" of support for resident/applicants, and once someone becomes an employee, one needs to be a resident. The residency waiver request is gone; there may be limited times when it makes sense that people who are employees are not residents.

Turning to HB1373, Ms. Garcia raised a question about the contracting provision (p. 17 (9), ll. 10-14), which states that any department may contract to provide personnel, including loaning of staff, and the role of the Board. Mr. Farley stated that the Board is the outside independent check on abuses in the system, and that the check on abuses is the Board's core function.

Ms. Garcia asked about the ALJ issue and language (p. 16 (7), l. 15). Mr. Farley pointed out that "authorize" was already used in another place in the statute (p. 45, § 24-50-139, l. 8), and that "authorize" was broader than "employ." Ms. Garcia remarked that there was no intent to restrict the number of ALJs or the means by which they can be employed. Ms. Lottner stated that the Board had already had quite a bit of discussion regarding the Board's desire to continue to employ ALJs. Mr. Farley said the objective and intent here was not to change the current authority of the Board relative to employing ALJs.

Turning to a provision immediately before the ALJ provision (p. 16 (6), ll. 7-14), Ms. Salkind asked about the meaning of "procedural" versus "substantive." Mr. Farley said that an employee may get a windfall as a result of a disciplinary action being overturned, he knows of such cases ten years ago, and there is some perception among employees that this occurs. Ms. Salkind remarked that an employee would not get a second chance if he procedurally made an error. Mr. Farley said that if an appointing authority makes a procedural error, that

decision gets overturned. Ms. Salkind wanted to know where this had been a problem recently. Mr. Farley said that this Board has been sensitive to striking a balance but that this was a good opportunity to fix a problem. A good example is the decision in the *Quintana* case from 8 years ago, and there may be two or three per year that apply. Ms. Salkind questioned the wisdom of addressing a case that happened 8 years ago through legislative language. Mr. Farley replied that this language was not the centerpiece of the Commission Report, but rather the issue came to the surface having talked to employees. Ms. Garcia stated that this Board makes good decisions, and may reverse on technicalities. Mr. Farley clarified that the point of the amendment is that every procedural misstep should not lead to reinstatement.

Mr. Djokic directed the Board to the section immediately preceding the procedural modification section (p. 15 (5), ll. 21-27), regarding the removal of Board members for reasons other than moral turpitude and permanent disability. Mr. Zakhem stated that he had no issue with the removal of that language.

On the subject of the grievance process (p. 42, § 24-50-123, ll. 3-24), Ms. Salkind asked if the proposal would lessen the workload of the Board. Mr. Farley stated that grievances have no effect on pay, status or tenure, and the new process would be like the certiorari process in that staff would not have to develop a preliminary recommendation. The proposal also creates a disincentive toward the filing of frivolous grievances. Ms. Salkind remarked that her concern is that state employees tend to work longer for the state than others in the private sector, and it is clearly a benefit to resolve grievances. Further, she does not see fiscal savings in the proposal. Mr. Farley responded that a lot of ALJ time is being expended on preliminary recommendations, and the drafters of the legislation looked at preliminary recommendations that tend to go to the merits, such as whistleblower complaints and discrimination allegations. He believes there will be savings of ALJ time if they do not have to do a full workup. Mr. Djokic stated that currently 80% of grievance petitions are denied, and if there is an assertion of some violation of law, the process allows both sides to "tell" their story. Ninety, rather than 30, days would provide sufficient time to review grievances. Ms. Siderius noted that if grievance procedures are amended, then the Board will likely have to adopt rules to implement the process.

On the topic of exemptions from the personnel system (p. 33, § 24-50-135, in HB1373, and p. 6 (2), in HCR1005), Mr. Farley said that the Commission recommended that all front office staff be exempt. The reengrossed bill provides that not more than two employees may be exempt, there is a constitutional lid of one-half percent (about 40 system-wide), and appointing authority language has been deleted (p. 7 (7), ll. 21-27). A lobbyist, information officer, or personal assistant would fall into the exempt category. Referring to the cap (p. 6, ll. 19-20), Mr. Farley pointed out that one-half percent of senior manager is about 155 employees, compared to the 125-employee cap on Senior Executive Service (SES). In addition, the language in ll. 19-22 is from the old SES rule, and no

more than 15 employees per department will be exempt, with appeals going to district court (see HB1373, p. 34, ll. 12-14). The provisions do not apply to higher ed (p. 34, ll. 20-22).

Turning back to HB1373, Mr. Djokic directed the Board to the residency requirement (p. 24 (c), ll. 3-6), and the authority of the Personnel Director to grant a waiver for an employee who may be a non-resident. Regarding disciplinary procedures and hearings thereon, Mr. Djokic pointed out the provision which extends the hearing dates from 45 to 90 days after receipt of an appeal (p. 31(4), ll. 21-22), and the final conviction language (p. 30, ll. 5-8). He asked if this language limited an appointing authority's ability to remove an employee from the workplace. Mr. Farley stated that an appointing authority "can't rush ahead and terminate" an employee unless he has a final conviction, and managers have the ability to deal with the underlying facts of a criminal charge prior to a conviction on a case-by-case basis. Ms. Garcia questioned the language in ll. 13-14 (the new provision addressing pre-disciplinary notice and meetings), and the statement, "disclose the source of the information unless prohibited by law," noting that the Board had recently made a rule regarding this provision. Mr. Farley remarked that this language provided for basic due process.

With regard to extending the hearing date from 45 to 90 days, Mr. Farley said that it seemed pointless to keep the hearing date at 45 days and that 90 was more practical. Attorney fee remedies are provided for so the Board and its ALJs can award attorney fees if the appointing authority misbehaves, and if the employee causes inexcusable delay, then attorney fees can be awarded against an employee.

The next section of HB1373 discussed was § 24-50-501, C.R.S., (p. 45, l. 22). Mr. Djokic asked Mr. Farley to explain the philosophy behind the implications of personal services contracting. Mr. Farley stated that many felt contracting was not working properly, and if increased, wanted to know what effect would it have on state jobs. The goal was to craft a balance, and the basic premise, as stated in the legislative declaration (p. 46, ll. 13-15): "State government personal services should be provided by state employees unless otherwise authorized by this part 5 or other provision of law." The drafters also considered when it makes sense not to do this - (p. 48 (b), ll. 5-6), whether accountability can be maintained by the government. Delivery of services is addressed (p. 48, l. 8), through properly delegated government authority. Mr. Farley stated that the drafters also considered: is there something about the function to be considered for contracting and does it make good business sense? The concept of "best value" includes cost-savings and quality, some markers to observe for determining this (p. 48, l. 20). There are provisions for quantifying cost-savings, including a written implementation plan (p. 49 (3), ll. 12-17). Section 24-50-504.5 (p. 50), concerns implications of personal services contracts, stating that contracts are permissible for functions that are currently, commonly or historically performed by

employees. If eliminating a position, advance notice must be given, written comments can be made (p. 51 (4)(a), ll. 3-17), and an employee has a right to an administrative appeal to the Personnel Director (l. 23).

Ms. Garcia pointed to the distinction between employees and positions (p. 50, ll. 15-25), where the abolishment of positions is discussed. Mr. Farley stated that an employee's property rights cannot be taken away. Mr. Forman also noted that personal services contracting was not dependent on a constitutional amendment, and Mr. Farley stated that the constitutional change opened it up to a greater degree than currently exists. The effective date is July 1, 2005, for sections 26-44, of HB1373. Mr. Djokic asked what would happen if a contract were presented that had an adverse impact on pay, status or tenure. Mr. Farley said that situation was prohibited by statute, transfer and/or training was permissible, review by the Personnel Director was available to challenge a contract, and an employee maintains the right of appeal to the Board regarding impact on pay, status or tenure. Mr. Djokic said that would potentially create two proceedings on the same contract: one to the Board and one to the District Court. Under those circumstances, Mr. Farley stated there may be different sets of reasons for invalidating a contract, with one possible remedy to declare the whole contract invalid to remedy a person impacted thereby. However, the jurisdiction of the Board is unchanged relating to a loss of pay, status or tenure. The rules on transfer may need scrutiny when an employee is laid off or demoted as a result of a contract. Mr. Farley suggested that he is open to changes in this language, but asked the Board to be selective about what position it takes regarding these provisions.

When questioned about the lease for the Board and the Division of Administrative Hearings, Mr. Farley stated that DPA is looking at putting the entire department together to bring more cohesion to the agency and is looking at a variety of options.

At this point, Mark Schwane, Attorney for the Colorado Federation of Public Employees (CFPE), addressed the Board, stating that his employee organization was not the only organization which is not supporting the legislation, and that CFPE had been to the table and met with the House caucus, including Rosemary Marshall. CFPE questions the benefit of the legislation to state employees, and believes the initiative may be dropped because only six initiatives are to be referred to the ballot, and the initiative may not get referred. He stated that it was not proper for Ms. Garcia, a Board member, to be a proponent of the initiative because it is a conflict of interest with her actions as a member. CFPE's objections are largely about the increase in political patronage and outsourcing and a dilution of the merit system and protections for state employees.

In order to accommodate Mr. Pryor's schedule, Mr. Djokic asked Mr. Pryor to address the Board on SB131, and then have Mr. Schwane continue after Mr. Pryor. Mr. Pryor stated that SB131 mandates a hearing in a matter that comes to

the Board as a discretionary matter with allegations of discrimination. CCRD has suffered a half million-dollar budget cut and if the legislation passes, CCRD will offer its services as mediators. He also informed the Board that CCRD currently is reimbursed \$500 for each case it gets from the Equal Employment Opportunity Commission (EEOC), but not from the Board. Representatives of EEOC are eager to meet with Board staff to iron out their concerns about the bill, including conducting their own investigations. Currently, CCRD's investigations are averaging 220 days. The changes of "may" to "shall" will cause a fiscal impact to the Board, since a hearing will be mandated, but he will work with Mr. Djokic to get a meeting set up with EEOC.

Mr. Schwane continued with his presentation to the Board on behalf of CFPE, noting that any position can and will be abolished under the contracting provisions. With regard to the procedural remand language (HB1373, p. 16 (6), ll. 7-14), this does not rise to a constitutional level. The grievance process could benefit from rulemaking without requiring changes to the statute. CFPE believes the legislative language is a smokescreen to increase the number of exemptions to a given number and there will be mass outsourcing of positions. There are problems with the subjective language being used in the contracting section, including a dilution of the review process, exemptions consuming a large portion of positions, a rendering of the review process into a meaningless exercise, which is not genuine. What does best value mean? Can any judicial body step in and interpret this? Non-departmental oversight is needed, and more accessibility to individual contracts through the Open Records Act is called for.

Mr. Djokic then asked the Board what votes or recommendations it would like to make in addition to the positions on four issues taken during the March 1, 2004 Special Meeting. Mr. Zakhem suggested that since SB131 is the shortest piece and least controversial that the Board take a position on that legislation first. Mr. Djokic reminded the Board members that there would be a major fiscal impact if "may" were changed to "shall" with regard to hearings on discrimination allegations. Ms. Siderius suggested that the Board revisit this bill after changes have been made. Mr. Zakhem initially moved for a resolution of support for the Reengrossed Bill, SB04-131, but Ms. Salkind expressed concerns about how this bill is going to work with EEOC. Mr. Djokic informed the Board that he believed the fiscal impact involved the need to hire an additional .5 to 1.0 FTE (ALJ) if the language is changed to require the Board to hold a hearing. Having withdrawn his first motion, Mr. Zakhem then moved to approve the bill with the non-mandatory language ("may" on p. 2, l. 18) and not "shall." Ms. Siderius seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Garcia, Ms. Siderius, Mr. Zakhem, and Ms. Lottner. Ms. Salkind abstained from voting.

Mr. Djokic asked if there were issues to discuss with Mr. Farley regarding HB1373 and HCR1005. Mr. Zakhem stated that the 30-day timeline on grievances is too short although it may have a rational basis, but that 90 days

may be a bit too long. Mr. Zakhem also noted that the Board never took action on the Commission Report with regard to the notion that the Personnel Director is responsible for hiring and management of employees and the Board is responsible for property rights and discipline of employees. He wanted to know if the Board supports this theory or not. Ms. Salkind said that she was not comfortable saying yes or no, but it depends. Ms. Lottner stated that she did not see the necessity of taking a position on the Commission Report. Ms. Salkind said that regarding the shift of rulemaking authority, specifics matter. Mr. Zakhem again asked about acceptance of the general theory concerning the role of the Board versus the role of the Personnel Director, as espoused in the Commission Report. Ms. Salkind said that the Board has existing rules on these subjects (e.g., hiring and management), and she cannot support the notion. Ms. Garcia expressed her belief that deciding not to take a position on the Commission Report is significant, and the decision can have as much impact as the Board wants it to.

Ms. Lottner stated that the Board is not political, but the job of its members is to see what is fair and make sure that the rules and regulations are followed. Mr. Djokic said that under the Commission Report, the Board is to be the independent arbiter and check on the executive branch. Mr. Farley stated that he will work with Mr. Djokic through the legislative process, and asked if the prior decisions regarding the four items discussed at the March 1, 2004 Special Meeting stand. Mr. Zakhem stated that the Board should continue to dialog with DPA.

Following a debate over whether the Board has an obligation to take a position with regard to HB04-1373 and HCR04-1005, Ms. Lottner noted that the Board did not have a consensus, and a split vote of 3-2 on the major issues is misleading. Ms. Salkind then moved that the Board not take an overall position on the legislation but continue discussion thereon. Ms. Siderius seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Salkind, Ms. Siderius, and Ms. Lottner. Ms. Garcia and Mr. Zakhem voted in opposition to the motion. After a discussion of whether the motion not to take an overall position on the legislation nullified the votes on March 1, 2004 regarding the grievance process, ALJs, reversals of decision, and the rulemaking shift, Ms. Siderius moved to amend the first motion to clarify that the decision not to take an overall position on the legislation but to continue discussion thereon does not change the Board's position with respect to the specific items voted on at the March 1, 2004 Special Meeting, and the Board reserves its right to continue discussion on those areas of specific concern to the extent the Board is able to do so. Mr. Zakhem seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Salkind, Ms. Siderius, Mr. Zakhem, and Ms. Lottner. Ms. Garcia voted in opposition to the motion.

III. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR ON APPEAL TO THE STATE PERSONNEL BOARD

There were no initial decisions or other final orders of the Administrative Law Judge or the Director for review on appeal to the Board this month.

IV. REVIEW OF PRELIMINARY RECOMMENDATIONS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR TO GRANT OR DENY PETITIONS FOR HEARING

- A. Art Robinson v. Regents of the University of Colorado, University of Colorado at Denver, State Personnel Board case number 2003G130.

Mr. Zakhem moved to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing. Ms. Salkind seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Salkind, Mr. Zakhem, and Ms. Lottner. Ms. Garcia voted in opposition to the motion. Ms. Siderius was absent.

- B. Michael McNevin v. Regents of the University of Colorado, University of Colorado Health Science Center, Procurement Service Center, State Personnel Board case number 2003G134.

Ms. Garcia moved to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing. Mr. Zakhem seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Garcia, Ms. Salkind, Mr. Zakhem, and Ms. Lottner. Ms. Siderius was absent.

- C. Stacy Bishop v. Department of Corrections, Youthful Offender System, State Personnel Board case number 2004B018.

Mr. Zakhem moved to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing. Ms. Garcia seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Garcia, Ms. Salkind, Mr. Zakhem, and Ms. Lottner. Ms. Siderius was absent.

V. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR

- A. Richard D. Martinez and Katherine Baum v. Department of Corrections, State Personnel Board case number 2004B038 (C).

On February 19, 2004, the Initial Decision of the Administrative Law Judge was issued. The ALJ found that Respondent's disciplinary fines of Complainants were not arbitrary, capricious or contrary to rule or law, and ordered that Respondent's action is affirmed and Complainants' appeal is dismissed with prejudice.

VI. REVIEW OF THE MINUTES FROM THE FEBRUARY 17, 2004 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

Mr. Zakhem moved to approve the minutes of the February 17, 2004 meeting as submitted. Ms. Garcia seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Garcia, Ms. Salkind, Mr. Zakhem, and Ms. Lottner. Ms. Siderius was absent.

VII. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS FEBRUARY 17, 2004 PUBLIC MEETING:

- A. Victor Meyers v. Department of Corrections, Trinidad Correctional Facility, State Personnel Board case number 2003G138.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

- B. Richard Lewis v. Department of Law, Attorney General's Office, Enforcement Section, State Personnel Board case number 2003G141.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

- C. Joe Glenn v. Department of Corrections, Buena Vista Correctional Facility, State Personnel Board case number 2004G018

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

VIII. REPORT OF THE STATE PERSONNEL DIRECTOR - Paul Farley, Deputy Executive Director

IX. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

- Budget Report and Revenue and Expense Report
- Cases Scheduled for Preliminary Review
- Cases on Appeal to the Board and to Appellate Courts

- Web Site Statistics (December 2003, January 2004, February 2004)
- Order Affirmed in Hendrix v. Department of Corrections, State Personnel Board case number 2002G091, Court of Appeals No. 02CA2024
- Mandate/Order Affirmed in Newkirk v. Department of Corrections, State Personnel Board case number 2000B065, Court of Appeals No. 02CA1324

With regard to budgetary matters, Mr. Djokic also reported that per the Joint Budget Committee, funding for the Board will continue at the same level as last year.

Mr. Forman reported, as a matter of public record, that he had filed a brief in the Venard v. Department of Corrections case in the Court of Appeals and that the case would be proceeding to oral argument.

B. GENERAL COMMENTS FROM ATTORNEYS, EMPLOYEE ORGANIZATIONS, PERSONNEL ADMINISTRATORS, AND THE PUBLIC

Miller Hudson, the new Executive Director of CAPE introduced himself to the Board and stated that CAPE is supporting the compromised measures that have passed to the Senate, namely HB04-1373 and HCR04-1005.

X. EXECUTIVE SESSION

- A. Case Status Report
- B. Minutes of the February 2004 Executive Session

Without entering Executive Session, Ms. Siderius moved to approve the Executive Session minutes from February 17, 2004, as submitted. Mr. Zakhem seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Garcia, Ms. Salkind, Ms. Siderius, Mr. Zakhem, and Ms. Lottner.

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APPROVED THIS 20th DAY OF APRIL, 2004.

Joyce Lottner, Chair

John Zakhem, Vice Chair

Diedra Garcia, Member

Elizabeth Salkind, Member

Linda Siderius, Member